

**Notice of Allowability**

Application No.

09/980,310

Applicant(s)

ISHIKAWA ET AL.

Examiner

Vincent P. Barth

Art Unit

2877

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 23 December 2003.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 30 November 2001 and 11 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Preliminary Comments***

1. Applicant's Amendments dated 23 December 2003 have placed the Application in a condition for allowance as written. Accordingly, the following represents a reasoned statement for allowability.

### ***Allowable Subject Matter***

2. Claims 1-31 are allowable, since the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations set forth therein.

3. Referring to Claim 1, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a displacement sensor comprising a sensor head and a controller either separately or integrally comprises a controller which operates under a measurement mode, in which a measurement light is imaged at an appropriate brightness with the surrounding part substantially darker than the appropriate brightness, and an observation mode as set forth in the claim, in combination with the remaining limitations in the claim.

Claims 2-24 are allowable based on their dependency upon the claim from which each is dependent. Referring to Claim 25, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a sensor head for an optical displacement sensor comprises an oblique image acquiring optical system, a frontal image acquiring system, a two dimensional imaging device, wherein the oblique image acquiring optical system and the frontal image acquiring system comprise a single two dimensional

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imaging device which is common to both the oblique image acquiring system and the frontal image acquiring system, in combination with the remaining limitations in the claim. Claims 26-31 are allowable based on their dependency upon the claim from which each is dependent.

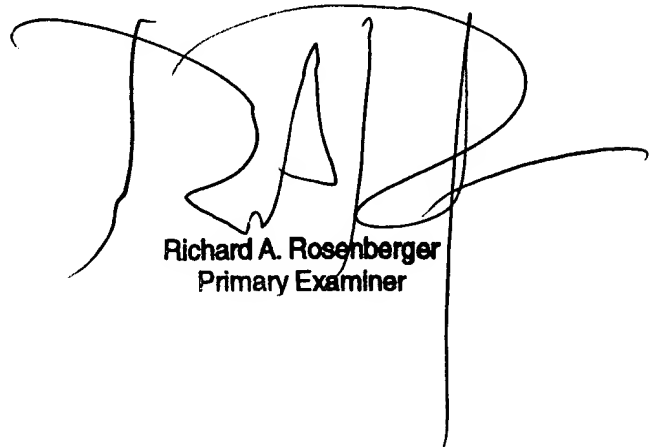
### *Comments*

4. Applicants have clarified Claim 28 and identified the portion of the Specification which corresponds to said claim, noting that the configuration and operation are discussed at page 48, lines 5-11 and page 49, line 7 to page 50, line 10. Accordingly, the rejection under §112 is withdrawn.

5. Applicants have amended Claim 25 to distinguish over the prior art combination of Miyoshi, Mori and Yamamoto, by inclusion of the limitation in which the frontal and oblique imaging systems are comprised in a single two-dimensional imaging device. In this connection, a combination of a displacement sensor, such as Miyoshi, with a digital SLR range finding camera without such unitary construction, such as Yamamoto, would not meet such limitation. Accordingly, the rejection of Claim 25 under §103 is withdrawn, as well as the rejections of Claims 26-31, which depend from Claim 25.

***CONCLUSION***

6. Applicants' Claims 1-31 are allowed based on the reasons set forth above.
7. Any inquiries concerning this communication from the Examiner should be directed to Vincent P. Barth, whose telephone number is 571-272-2410, and who may be ordinarily reached from 9:00 a.m. to 5:30 p.m., Monday through Friday. The official fax number for communications to the group is 703-872-9306.
8. If attempts to reach the Examiner prove unsuccessful, the Examiner's supervisor is Frank G. Font, who may be reached at 571-272-2415.
9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Richard A. Rosenberger  
Primary Examiner